

¹ Requirements for Digital Television Receiving Capability, Notice of Proposed Rulemaking, ET Docket No. 05-24, FCC 05-17 (rel. Feb. 14, 2005) (“*DTV NPRM*”).

Formed on May 1, 1997, NPSTC is a federation of associations representing public safety telecommunications. NPSTC currently consists of the following thirteen organizations:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- American Red Cross
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Association of Fish and Wildlife Agencies
- International Municipal Signal Association
- National Association of State Emergency Medical Services Directors
- National Association of State Telecommunications Directors
- National Association of State Foresters.

NPSTC was originally formed to encourage and facilitate implementation of the findings and recommendations of the Public Safety Wireless Advisory Committee (PSWAC), established in 1994 by the Federal Communications Commission (FCC) and National Telecommunications and Information Administration (NTIA) to evaluate the wireless communications needs of local, tribal, State, and Federal public safety agencies through the year 2010, identify problems, and recommend possible solutions.

NPSTC has since taken on additional responsibilities including implementing the recommendations of the National Coordination Committee (NCC) and the support and development of the Computer Assisted Pre-coordination and Resource Database System (CAPRAD) for 700 MHz spectrum to assist the Regional Planning Committees (RPCs). NPSTC develops and makes recommendations to appropriate governmental bodies regarding public safety communications issues and policies that promote greater

interoperability and cooperation between Federal, State and local agencies. Issues include: Spectrum Resources, 800 MHz rebanding, 700 MHz, 4.9 GHz, Software Defined Radio (SDR), US/Canadian/DTV Transition, Project MESA, Amateur Radio, Regional Planning Committees (RPCs), State Interoperability Executive Committees (SIECs), Broadband, and the International Telecommunications Union.

In its *Final Report*, released in September of 1996, the Public Safety Wireless Advisory Committee (PSWAC) noted that “[i]n the short term (*within 5 years*), approximately 25 MHz of new public safety allocations are needed” and suggested reallocating portions of the spectrum used for television broadcast channels 60-69 to public safety.² The FCC responded in 1998 by allocating 24 MHz in the 700 MHz band to Public Safety.³ Today, almost ten years after the *Final Report* and seven years after the Commission’s action, that spectrum remains largely unavailable in most major cities because of continuing delays in the DTV transition. Meanwhile, the importance of this spectrum to the functioning of public safety has only grown larger as both the responsibilities of Public Safety entities and the spectrum needs of public safety have dramatically increased since September 11, 2001.

² Final Report of the Public Safety Wireless Committee to the Federal Communications Commission and the National Telecommunications and Information Administration, Public Safety Wireless Committee, 3, September 11, 1996, *available at* http://pswac.ntia.doc.gov/pubsafe/publications/PSWAC_AL.PDF (emphasis added).

³ See The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, First Report and Order and Third Notice of Proposed Rulemaking, 14 FCC Rcd 152 (1998).

Given the critical importance of the 700 MHz spectrum for public safety and the already lengthy delay in the DTV transition, the Commission should take all actions possible to advance the DTV transition and availability of 700 MHz band public safety spectrum. NPSTC agrees with those commenters who noted that eliminating the July 1, 2005 interim deadline by which 50 percent of receivers with screen sizes 25 to 36 inches must include DTV tuners could delay the DTV transition and therefore opposes that part of the CEA-CERC petition.⁴ NPSTC supports advancing the date by which 100 percent of such receivers must include DTV capability as CEA-CERC requests. However, we urge the Commission to consider setting a more aggressive deadline than the March 1, 2006 date the CEA-CERC petition requests.

Further, we urge the Commission to advance the current July 1, 2007 deadline by which all TV's 13 inches or larger must include a DTV tuner. The current deadline is a full 6 months after the yearend 2006 date targeted for conclusion of the DTV transition and 700 MHz band spectrum recovery. Given that DTV tuner circuitry is already developed and on the market for other size sets, there is no apparent technical or operational reason why this deadline could not be moved up prior to the yearend 2006 DTV transition target date. NPSTC believes that allowing TV's without a DTV tuner to enter the market after the targeted conclusion of the DTV transition would be inconsistent

⁴ See Comments of Motorola, Inc. at 5-6 (noting that "CEA-CERC's petition, by altering the schedule for the transition to DTV-tuner equipped televisions, threatens to further delay the availability of the 700 MHz spectrum"); Comments of MSTV/NAB at 3 (arguing that further delay in the sale of DTV tuners "will impede the return of analog spectrum allotted for future use by first responders and commercial wireless providers"); Comments of Pappas Telecasting Companies at 5-6 (stating that "the delay of requirements for 25" to 36" receivers could significantly set back the DTV Transition").

with policies needed to speed the DTV transition and recover 700 MHz spectrum.

Section 7501(a)(7) of the Intelligence Reform and Terrorism Prevention Act of 2004 directs that the Federal Communications Commission should consider all regulatory means available to expedite the return of the analog spectrum.⁵ NPSTC recommends that advancing the deadlines for inclusion of DTV tuners in television sets is one regulatory action which could be taken to help meet this Congressional direction.

Respectfully Submitted,

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⁵ Public Law 108-458, December 17, 2004